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April 22, 2024

BY ECF

Honorable Marcia M. Henry
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Adam White v. Sholem Klein et al., 23 CV 6924 (RER) (MMH)

Your Honor:

I am a Senior Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York, Sergeant Barrett, Sergeant Klenke, Officer Ali, Officer Kaur, Officer Phillips, Officer Rebolledocortes, and Officer Ullah (“City defendants”). Pursuant to the Court’s February 28, 2024 Order, the City defendants and defendant Klein submit this status report regarding progress with discovery and settlement discussions, and in response to plaintiff’s motion to extend the deadlines for the parties to submit a joint status report and to move to amend the pleadings or join new parties that was filed on April 21, 2024. (Dkt. No. 29).

The City defendants and defendant Klein consent to extending the deadline to submit a joint status report for one week until April 29, 2024 since the parties did not have a chance to fully discuss the status of discovery. The parties will continue to try to resolve any outstanding discovery issues and schedule the parties’ remaining depositions this week, and should then be in a better position to provide a joint status report to the Court by April 29, 2024.

With respect to plaintiff’s motion to extend the time to move to amend the pleadings or join new parties on the grounds that the City defendants have identified a “number” of NYPD members as having personal knowledge of the incident, the City defendants do not take a position on plaintiff’s request. However, the City defendants respectfully note that the only officers whom the City defendants have identified as having personal knowledge of the incident since serving their initial disclosures are officers who did not participate in plaintiff’s arrest at the location where he was arrested. Thus, these individuals would not be properly named defendants.

With respect to settlement discussions, the parties have only had preliminary settlement discussions at this time.

Thank you for your consideration herein.

Respectfully submitted,

Joseph M. Hiraoka, Jr.

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cc: All Counsel (by ECF)